

FILE COPY

STATE OF WISCONSIN
BEFORE THE EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND
SURVEYORS, PROFESSIONAL ENGINEERS SECTION

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DENNIS VALENTINE, P.E.,
RESPONDENT

FINAL DECISION
AND ORDER

The State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors. Let a copy of this order be served on the respondent by certified mail.

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The party to be named as respondent in the petition is Dennis Valentine, P.E.

A party aggrieved by this decision may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings will be held and serving the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

Dated this 30 day of August, 1983.

Carl W. Burt

pc017-552

BEFORE THE STATE OF WISCONSIN
BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS, PROFESSIONAL ENGINEERS SECTION

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

PROPOSED DECISION

DENNIS VALENTINE, P.E., :
RESPONDENT :

The parties to this proceeding for the purposes of Wis. Stats. sec. 227.16
are:

Dennis Valentine, P.E.
6703 Green Road
Harvard, IL 60033

State of Wisconsin Examining Board of Architects, Professional
Engineers, Designers and Land Surveyors
1400 East Washington Avenue
P.O. Box 8936
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue, Room 183
P.O. Box 8936
Madison, WI 53708

A hearing was held in the above-captioned matter on May 25, 1983 in
Room 177, at 1400 East Washington Avenue, Madison, Wisconsin. Complainant
appeared by Attorney Steven M. Gloe. Dennis Valentine did not appear.

Based upon the pleadings and the evidence herein, the hearing examiner
recommends that the Professional Engineers Section of the Examining Board
of Architects, Professional Engineers, Designers and Land Surveyors adopt
as its Final Decision the following Findings of Fact, Conclusions of Law,
and Order.

FINDINGS OF FACT

1. At all times relevant to the events herein, Dennis Valentine
(Valentine) was duly registered as a professional engineer in the State of
Wisconsin. Valentine's certificate of registration #14417 was issued by
the Examining Board of Architects, Professional Engineers, Designers and
Land Surveyors on October 11, 1974. Valentine permitted his registration
to expire on July 31, 1980 and has not renewed his Wisconsin registration
since that date.

2. On or about May 4, 1978, the City of Delavan, Wisconsin, entered
into an agreement with Valentine, who was doing business as Valentine and

Associates, Inc. (certificate #1016). Valentine agreed to prepare a comprehensive water supply and distribution report for the City of Delavan at a cost based on time and materials and estimated by Valentine at \$9,800. Valentine was to be paid by the City on a monthly basis according to invoices submitted by Valentine.

3. Valentine billed the City of Delavan, and the City paid Valentine the following progress payments as requested by Valentine:

a.	August 9, 1978	\$ 1,629.45
b.	September 20, 1978	\$ 5,397.75
c.	October 19, 1978	\$ 2,635.00
d.	November 13, 1978	\$ 1,927.00
e.	October 15, 1979	\$ 480.36
	Total	\$12,069.59

4. The City of Delavan thereafter made repeated requests for the report Valentine agreed to provide, including written requests made on January 22, 1980, February 26, 1980, March 26, 1980, and April 26, 1980.

5. On June 18, 1980 the City of Delavan obtained a default judgment against Valentine and Associates, Inc. for the sum of \$12,069.59 together with \$74.50 in costs as the result of a law suit brought by the City of Delavan upon the agreement referred to in paragraph 2, above. To the date of the Complaint filed herein, Valentine had not repaid any of this money to the City of Delavan.

CONCLUSIONS OF LAW

1. The Examining Board of Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction in this matter pursuant to Wis. Stats. sec. 443.11..

2. Absent intervening disciplinary proceedings initiated before the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Valentine retains a right to renew his registration as a professional engineer pursuant to Wis. Stats. sections 440.05 and 443.10(2).

3. Valentine, by the conduct described in Findings of Fact 2 through 5, above, is guilty of misconduct as defined by Wis. Admin. Code sec. A-E 4.003(3)(c), and in violation of Wis. Stats. sec. 443.11(1)(d) and (e).

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Dennis Valentine, P.E. to practice as a professional engineer in the State of Wisconsin be, and hereby is, revoked; thereby also revoking any right previously held by Dennis Valentine to renew his license.


OPINION

Valentine neither answered the Complaint filed in this matter nor appeared at the time set for hearing. The examiner for those reasons granted complainant's oral Motion for Default Judgment presented at hearing, conditioned upon a showing by complainant of a prima facie case. Complainant made such a showing and the suggested Findings of Fact are well supported by the evidence introduced. Accordingly, the only residual question in this case is what discipline, if any, should be imposed.

One may only speculate as to why Valentine, after having requested and received payments from the City of Delavan in excess of the total estimated cost of his services, failed to provide any part of the services contracted for. Similarly, one must question whether a valid explanation or any showing of mitigation is even possible. In any event, no such showing was attempted. The evidence shows that Valentine failed to answer or appear in the civil action before the Walworth County Circuit Court, and, as stated previously, he also failed to appear in this proceeding. In such circumstances, it is manifestly clear that Valentine should not be permitted to retain a license which would permit him to again perpetrate such a wrong on the people of the State of Wisconsin. Nothing short of full revocation of Valentine's license will adequately protect the public against such a possibility.

Dated at Madison, Wisconsin this 10th day of June, 1983.

Respectfully submitted,



Wayne R. Austin
Hearing Examiner

WRA:aaz
3668